

REMARKS

This 312 Amendment should be considered instead of the 312 Amendment filed March 26, 2008.

Claim 22 is amended to remove part of the definition of Z, thus, narrowing the claim. The deleted part of the definition of Z included an undefined variable R^5 . To avoid confusion, this part of the definition is removed. Claim 40 is accordingly amended to remove the compounds no longer encompassed by claim 1 due to the amendment to Z. Claim 22 is also amended to reinsert a proviso in the definition of the L group from the original claims which was inadvertently removed. Claim 39 is amended so that the defined subgenus is applied to all of the L groups, thus, it is also narrowed in scope. Claim 40 has further been amended to correct an error made in the listing of specific compounds within the genus, as discussed below. New claims 41 to 47 are directed each to a specific compound in the list recited in claim 40 in order to provide applicants separated coverage. Although they are written as independent claims, they are fully within the scope of claim 22 and claim 40 and thus within the indicated allowable subject matter. Each of these claims recites one of the specific compounds already listed in claim 40. Claim 40 is also amended (and claims 41-47 written) to recite “an enantiomer, a mixture thereof or a salt thereof” which is supported by claim 1 upon which they depend.

It is urged that the proposed amendments, submitted after the Notice of Allowance, be entered. Regarding the listing of specific compounds of claim 40 (and new claims 41-47) within the genus, when applicants narrowed the genus claim in the Amendment originally filed November 1, 2007, they replaced previous claim 29 listing specific compounds with new claim 40 listing specific compounds intended to be within the narrowed genus. Unfortunately, some

compounds were erroneously removed from the list that were within the genus and some compounds remained in the list that were outside the genus. By the above amendment, the previously listed compound 9, which is not within the genus, is removed (as well as compounds 2, 7 and 12 removed due to the amendment to Z) and the new compounds, renumbered 11-17, which should not have been removed, are put back into the claim. The proposed amendments do not require any additional search or examination by the PTO. The amendments are made to correct clear errors or to remove the part of a claim giving rise to an error or to make obvious clarifications in the claims. The amendments do not add new matter since they either do not change the claim scope or only narrow the claim scope. Regarding the claims listing specific compounds, since the genus has been found allowable and the claims listing specific compounds conform to compounds within the allowed genus, these claims are clearly allowable. Thus, only a cursory review of the record is necessary for entering the amendments. The amended claims and new claims are clearly patentable since they are wholly within the scope of the genus claim already allowed. The errors were just recently recognized on review of the allowance and, thus, were not earlier presented.

Accordingly, it is submitted that the proposed amendments should be entered and the application forwarded for further action consistent with the Notice of Allowance.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

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JAS:sb